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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 JENNIFER E. MARTIN,

6 Plaintiff,

7 v.

8 GRAYS HARBOR COMMUNITY
HOSPITAL, et al.,

9 Defendant.

CASE NO. C11-5388BHS

ORDER DENYING
STIPULATED MOTION FOR
ENTRY OF PROTECTIVE
ORDER

10 This matter comes before the Court on the parties' stipulated motion for entry of
11 the proposed protective order (Dkt. 12). The Court has reviewed the briefs filed in support
12 of the motion and the remainder of the file and hereby denies the motion for the reasons
13 stated herein.

14 This Court's practice is to decline to enter overly broad stipulated protective orders
15 or those that do not comply with the Court's requirements for protective orders. The
16 parties may, of course, enter into a confidentiality agreement without the aid of the Court
17 between themselves, but if and when parties request that the Court be involved, they must
18 make the requisite showing discussed above. When parties seek entry of a joint stipulated
19 protective order of the Court, the following must be present in a stipulated protective
20 order before the Court is willing to consider its entry:

21 1. The parties must make a compelling showing that their interest in the
22 various "confidential materials" described in the proposed order outweighs the public's
23 right of access to Court documents.

24 2. The request must be narrow and the terms of the order may not give too
25 much discretion to the parties to designate documents subject to the protective order.
26 Any protective order entered by the court must be narrowly drawn and clearly identify the
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1 class or type of documents subject to the order.

2 3. The proposed order may not be modified by agreement of the parties
3 without the Court's signature of approval.

4 4. The order cannot grant "complete immunity" from any liability related to
5 the disclosure of confidential, personal, or proprietary information as long as the
6 disclosure is made pursuant to the terms of the protective order. Whether a particular
7 disclosure violates federal, state, or local law, breaches contractual obligations, and/or
8 violates another court's order is not before the Court by virtue of entering a stipulated
9 protective order: a grant of "immunity" without due consideration of the facts and
10 circumstances surrounding the disclosure would be improper and unjustified.

11 5. Finally, the order must contain a provision that the Court may change the
12 terms of the protective order on its own motion after notice to the parties and an
13 opportunity to be heard.

14 Because the proposed stipulated protective order submitted by the parties in this
15 case does not comply with all of the Court's requirements, it is deficient. Therefore, the
16 Court will not enter the stipulated protective order as currently drafted. The Court is,
17 however, amenable to entering stipulated protective orders when they meet the certain
18 criteria, as discussed herein.
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20 Therefore, it is hereby **ORDERED** that the parties' stipulated motion for entry of
21 the proposed protective order is denied **without prejudice** for the reasons discussed
22 herein.

23 DATED this 22nd day of August, 2011.

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26 BENJAMIN H. SETTLE
27 United States District Judge
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